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*Attorneys for Defendants  
C. R. Bard, Inc. and  
Bard Peripheral Vascular, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

## IN RE: Bard IVC Filters Products Liability Litigation

No. 2:15-MD-02641-DGC

**DEFENDANTS C. R. BARD, INC. AND  
BARD PERIPHERAL VASCULAR,  
INC.'S RESPONSE REGARDING  
EMERGENCY MOTION OF LAW  
OFFICE OF BEN C. MARTIN AND  
MARTIN BAUGHMAN TO STAY  
DISTRIBUTION PENDING APPEAL**

(Assigned to the Honorable David G. Campbell)

The Law Offices of Ben C. Martin and Martin/Baughman (“BCM”) have filed a motion (Doc. 22164) asking this Court to stay distribution of certain assessments to the common benefit fund established in this multidistrict litigation proceeding (“MDL”), pending their appeal of this Court’s May 20, 2022 order (Doc. 22162). That order denied BCM’s motion to reduce and/or eliminate their obligation to pay assessments to the

1 common benefit fund. In support of the motion to stay, BCM has also filed a declaration  
 2 of Mr. Martin, accompanied by exhibits, and a motion to seal the declaration (including  
 3 attachments). (Doc. 22165).

4 As noted in previous filings, the Defendants C. R. Bard, Inc. and Bard Peripheral  
 5 Vascular, Inc. (collectively “Bard”) do not have a direct stake in this apparent dispute  
 6 between Mr. Martin’s firms and the Plaintiffs’ Executive Committee in this MDL.  
 7 However, Bard does have some concerns regarding BCM’s declaration, and have outlined  
 8 those concerns in a brief response to the motion to seal.

9 With regard to the motion to stay, Bard only wants to alert the Court to the fact that  
 10 – prior to BCM’s filing of the motion to stay on June 6, 2022 – Bard had already triggered  
 11 the process to transmit the assessments related to the BCM settlements to the escrow  
 12 accounts maintained for the common benefit fund in this MDL. As a result, if this Court  
 13 were to grant the motion to stay (and Bard takes no position on that motion), it will be  
 14 incumbent on the members of the Plaintiffs’ Executive Committee overseeing the  
 15 common benefit funds to take measures to implement the Court’s order.

16 DATED this 14<sup>th</sup> day of June, 2022.

17 *s/ Richard B. North, Jr.*

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**Attorneys for Defendants C. R. Bard, Inc. and  
Bard Peripheral Vascular, Inc.**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 14, 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to all attorneys of record.

s/ Richard B. North, Jr.  
Richard B. North, Jr.